

By: Collier, Koop, Capriglione

H.B. No. 2395

Substitute the following for H.B. No. 2395:

By: Bernal

C.S.H.B. No. 2395

A BILL TO BE ENTITLED

AN ACT

relating to testing for lead contamination in public school drinking water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Sections 341.0317 and 341.0318 to read as follows:

Sec. 341.0317. REQUIRED TESTING FOR LEAD CONTAMINATION IN PUBLIC SCHOOL DRINKING WATER. (a) In this section:

(1) "First-draw tap test" means a water sample collected and tested in the manner prescribed by the federal monitoring requirements for lead and copper in tap water under 40 C.F.R. Section 141.86(b).

(2) "Open-enrollment charter school" means a school that has been granted a charter under Subchapter D, Chapter 12, Education Code.

(3) "Safe Drinking Water Act" means the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.).

(4) "School district" means any independent school district.

(b) In addition to any water test required by the Safe Drinking Water Act, each school district and open-enrollment charter school shall conduct first-draw tap tests of potable water outlets every five years, before the start of the school year, to

1 monitor the amount of lead in the water in each occupied school
2 building under the jurisdiction of the school district or
3 open-enrollment charter school. The school district or
4 open-enrollment charter school shall perform the first-draw tap
5 test as required by this section by using existing qualified
6 personnel or through a third party.

7 (c) If a person conducting a first-draw tap test determines
8 that the amount of lead in a potable water outlet of a school
9 building exceeds the level of lead considered safe for human
10 consumption as established by rules adopted under Subsection (f),
11 the affected school district or open-enrollment charter school
12 shall:

13 (1) continue weekly first-draw tap tests of the
14 building's potable water outlet under this section until three
15 consecutive weekly tests confirm the water is safe for human
16 consumption; and

17 (2) provide the occupants of the building with an
18 adequate supply of safe, potable drinking water until future tests
19 indicate lead levels in the water are safe for human consumption.

20 (d) A school district or open-enrollment charter school is
21 not required to conduct a first-draw tap test on a water outlet
22 under this section if the outlet is located in a school building
23 that is lead free, as defined by the Safe Drinking Water Act (42
24 U.S.C. Section 300g-6).

25 (e) A school district or open-enrollment charter school is
26 not required to conduct the first-draw tap tests under this section
27 if the school district or open-enrollment charter school has fewer

1 than 1,000 students and the school district or open-enrollment
2 charter school is unable to secure funding for the tests from grants
3 or donations.

4 (f) The commission, in consultation with the commissioner
5 of education, shall adopt rules to implement this section,
6 including rules to establish the level of lead in drinking water
7 that is considered safe for human consumption. The rules adopted
8 under this section must be consistent with the requirements for
9 school districts or open-enrollment charter schools that are
10 classified as a public water system under the Safe Drinking Water
11 Act.

12 Sec. 341.0318. RESULTS OF TESTING FOR LEAD CONTAMINATION IN
13 PUBLIC SCHOOL DRINKING WATER; REPORT. (a) In this section,
14 "first-draw tap test," "open-enrollment charter school," and
15 "school district" have the meanings assigned by Section 341.0317.

16 (b) Each school district and open-enrollment charter school
17 that conducts lead testing under Section 341.0317 shall make the
18 test results and any lead remediation plan available to the public
19 by:

20 (1) posting the information on the Internet website of
21 the school district or open-enrollment charter school; or

22 (2) any other method the school district or
23 open-enrollment charter school considers appropriate.

24 (c) Each school district and open-enrollment charter school
25 shall submit the information described by Subsection (b), in a
26 format approved by the commission, to:

27 (1) the commission; and

1 (2) each local health authority with jurisdiction in
2 the municipality or county in which the school district or
3 open-enrollment charter school is located.

4 (d) Not later than December 1 of each even-numbered year,
5 the commission shall submit to the governor, the lieutenant
6 governor, the speaker of the house of representatives, and each
7 member of the legislature a report that includes the findings from
8 the first-draw tap tests conducted under Section 341.0317.

9 SECTION 2. (a) Except as provided by Subsection (b) of this
10 section, this Act applies beginning with the 2018-2019 school year.

11 (b) A school district or open-enrollment charter school
12 that has completed first-draw tap tests of potable water outlets
13 during the 36-month period preceding the effective date of this Act
14 shall comply with this Act beginning with the 2020-2021 school
15 year.

16 SECTION 3. This Act takes effect September 1, 2017.